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DEPARTMENT OF THE NAVY
Washington, D. C.

NAVY Declassification/Release Instructions on File

July 23, 1953

Honorable Joseph M. Dodge
Director, Bureau of the Budget
Washington 25, D. C.

My dear Mr. Dodge:

Your request for comment on the Department of Justice proposed legislation "To require the registration of certain persons who have knowledge of or have received instruction or assignment in the espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party, and for other purposes," has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

The purpose of this proposed legislation is stated in its title. The Department of Defense concurs in the objective of the proposed legislation, but considers it would be better accomplished by amendment of existing law rather than by new legislation. This could be accomplished by expanding section 2(a) of the Foreign Agents Registration Act of 1938, as amended, (c. 327, 52 Stat. 632, 22 USC 612(a)), to require the registration of any person who, by definition, is an "agent of a foreign principal".

Under the Foreign Agents Registration Act of 1938, as amended by the Internal Security Act of 1950 (c. 1024, 64 Stat. 1005, 22 USC 611 (c) (5)), the phrase "agent of a foreign principal" is defined to include any person who has knowledge of or training in foreign espionage or sabotage systems. Foreign diplomatic and military attache personnel serving in the U.S. may reasonably be expected to have such knowledge but are presently exempt from registration by section 3 of the 1938 act, supra (22 USC 613). The proposed legislation would not exempt such personnel or representatives of friendly foreign intelligence and security organizations who may visit this country for the purpose of officially conferring with appropriate U.S. intelligence and internal security personnel. It would be unrealistic and impolitic to require registration of such official foreign nationals, and their exemption should not depend upon a written determination in each case by the Attorney General or the Director of Central Intelligence that such registration is not necessary. Furthermore, if the U.S. attempts to impose registration on all such foreign nationals who have knowledge of their national espionage systems, it is believed that only partial compliance would result and resentment would invite reciprocal restrictions on U.S. personnel serving abroad.

Whether it is determined to accomplish the objective by submitting the proposed legislation to the Congress or by amending existing law, it is recommended that the exemptions set forth in section 3 of the Foreign Agents Registration Act of 1938, as amended (c. 327, 52 Stat. 632; 22 USC 613), be preserved in addition to the exemptions contained in section 4 of the proposed draft. It is also recommended that a further exemption be added reading substantially as follows:

"who is an officially acknowledged and sponsored representative of a foreign government or security agency and is in the U. S. on an official mission for the purpose of conferring or otherwise co-operating with U. S. intelligence or security personnel."

Furthermore, whether the objective is accomplished by new legislation or amendment of existing laws, the statutory provision for public knowledge of foreign espionage or sabotage systems would appear to be undesirable inasmuch as the only legitimate use for this information would be within the Government. If any examination or inspection of these records is afforded it should be specifically controlled by regulations.

Subject to the foregoing, the Department of the Navy, on behalf of the Department of Defense, interposes no objection to subject proposed legislation.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

For the Secretary of the Navy.

Sincerely yours,

SGD. IRA H. NUNN
Rear Admiral USN
Judge Advocate General of the Navy